

REMARKS

35 U.S.C. § 101

Assignee respectfully asserts that claims 26-33 recite an article of manufacture and fully comply with §101, but also recognizes that the Patent Office has a wording preference for such claims. Therefore, Assignee has amended claims 26-33 to recite a "computer" readable medium storing "computer executable" instructions as suggested in the Final Office Action. Assignee respectfully requests entry of these amendments under MPEP §714.12 as they comply with requirements of form and place the application in better condition for appeal.

35 U.S.C. § 103

In order to reject the claims, the Final Office Action relies on five different references to form 11 distinct §103 rejections. In the rejection of independent claims 1, 7, 13, 18, 22, and 30, the Final Office Action asserts that Hayashi discloses an operator interface (the remote controller 60) that reports signal strength of a designated program. Assignee respectfully disagrees.

Hayashi is directed to a "display apparatus displaying operation menu". In Hayashi, a level detector 27 detects the level of the received signal at the broadcast satellite (BS) antenna 21. The level detector detects the output signal of the BS tuner 23 specifically in the 8 MHz band, not in any operator designated program. (Hayashi, Col. 3, lines 61-65).

Furthermore, Hayashi does not report the detected level. The Final Office Action asserts that the remote controller 60 in Hayashi is an operator interface that reports signal strength. Figure 3 shows the remote controller 60. The controller 60 includes cursor switches, a decision switch, and a power switch, but notably absent is any indicator of the detected level. (Hayashi, Figure 3, Col. 6, lines 28-44).

In fact, Hayashi examines the signal level internally without reporting it. Hayashi examines the signal strength to determine whether the received signal is an NTSC or HDTV signal. Depending on the type of signal detected, the system

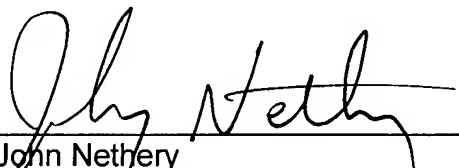
controls a switch to select signals from different video circuits. (Hayashi, Col. 7, lines 37 - 65).

In other words, Hayashi does not report signal strength, does not report signal strength on an operator interface, and does not report signal strength of an operator designated program. The rejection of independent claim 26 also relies on the assertion that Hayashi reports signal strength of a designated program. Accordingly, none of the asserted combinations with Hayashi teaches the claimed subject matter. Assignee respectfully requests withdrawal of the §103 rejections.

Summary

Alone or in the asserted combinations, the cited references fail to teach or suggest the claimed subject matter. Assignee therefore respectfully requests withdrawal of the rejections and allowance of the claims. Assignee invites the Examiner to contact the undersigned attorney via telephone if the examiner has any questions, comments, or concerns, or if a telephone conference would expedite examination of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Nethery", written over a horizontal line.

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